

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WILLIAM W. MCGEE, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

CONTINENTAL TIRE NORTH AMERICA,
INC.

Defendant.

Document Filed Electronically

Civil Action No. 2-06-CV-06234
(GEB) (CCC)

**Notice of Joint Motion For Final Approval of Class Action Settlement and
Related Orders**

Counsel for Plaintiffs, on behalf of a putative nationwide Class, and counsel for Continental Tire North America, Inc. ("Continental"), in above styled action, shall, at the Fairness Hearing set for October 21, 2008 at 12:00 noon, respectfully jointly move this Court for the following relief:¹

¹ All capitalized terms are as defined in the Settlement Agreement.

1. Finally approving the Proposed Settlement as fair, reasonable and adequate pursuant to Fed. R. Civ. P. 23;
2. Finally certifying the Class for settlement purposes only;
3. Finding that the Notice was the best practicable notice under the circumstances and satisfied all Constitutional and other requirements;
4. Confirming Class Members who have submitted timely requests for exclusion;
5. Dismissing the Action with prejudice;
6. Retaining jurisdiction over the enforcement and implementation of the Settlement Agreement;
7. Issuing a permanent injunction; and
8. Issuing related orders.

Proposed forms of a final order and final judgment are submitted with the Declaration of Eric F. Gladbach.

WHEREFORE, for the reasons stated herein and as fully discussed in the accompanying briefs and affidavits, counsel for Plaintiffs and Continental respectfully request this Court to grant the above-mentioned relief in its entirety.

Dated: October 6, 2008

/s/ Cary L. Flitter

Cary L. Flitter
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Attorneys for Plaintiffs, and the Class

/s/ Eric F. Gladbach

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/s/ Joseph Kernen

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Attorneys for Defendant

Continental Tire North America, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the (i) Notice of Joint Motion For Final Approval of Class Action Settlement and Related Orders, (ii) Declaration of Eric F. Gladbach, (iii) Affidavit of Jeanne C. Finegan, (iv) Affidavit of Jennifer Keough, and (v) Affidavit of Harald Morgenstern have been served by ECF and overnight U.S. Mail delivery service, postage prepaid, on the 6th day of October, 2008 to the following persons:

Cary L. Flitter
Theodore E. Lorenz
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Jersey City, NJ 07311

/s/ Eric F. Gladbach
Eric F. Gladbach

with two courtesy copies sent to the Clerk's Office addressed for delivery to The Honorable Garrett E. Brown, Jr.